

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY**

In re MASSEY ENERGY CO. SECURITIES LITIGATION	)	Civil Action No. 5:10-cv-00689-ICB
	)	
	)	<u>CLASS ACTION</u>
	)	
This Document Relates To:	)	The Honorable Irene C. Berger
	)	
ALL ACTIONS.	)	
	)	
	)	

**JOINT STIPULATED ~~PROPOSED~~ ORDER  
CONCERNING PAGE LENGTH OF OPPOSITION TO DEFENDANTS'  
MOTIONS TO DISMISS PLAINTIFFS' CONSOLIDATED AMENDED COMPLAINT**

**WHEREAS**, on March 11, 2011, Lead Plaintiff Commonwealth of Massachusetts Pension Reserves Investment Trust and Plaintiff David Wagner (collectively, “Plaintiffs”) filed the Consolidated Amended Complaint (the “Complaint”) [Dkt. No. 83];

**WHEREAS**, on April 25, 2011, Defendants filed two separate briefs in support of the same number of motions to dismiss the Complaint [Dkt. Nos. 94-97];

**WHEREAS**, Defendants’ motions to dismiss are also supported by more than sixty-five (65) pages of exhibits [Dkt. No. 96.1];

**WHEREAS**, on June 9, 2011, Plaintiffs are scheduled to file their opposition memoranda to Defendants’ motions to dismiss the Complaint on June 9, 2011;

**WHEREAS**, consistent with the Local Rule 7.1 of the Local Rules of Procedure of the United States District Court of the Southern District of West Virginia, Plaintiffs could file two briefs of twenty (20) pages in opposition to the two motions to dismiss, totaling forty (40) pages of opposition briefs;

**WHEREAS**, rather than filing two separate briefs, Plaintiffs intend to file a single, omnibus memorandum in opposition to all of the motions to dismiss, and believe a single memorandum would be more efficient and avoid duplication; and

**WHEREAS**, in light of the combined length and breadth of the memoranda filed in support of Defendants’ motions to dismiss, and the complexity of litigation arising under the Private Securities Litigation Reform Act of 1995, the parties agree that good cause exists to extend the 40-page limit for Plaintiffs’ omnibus opposition memorandum to fifty (50) pages;

**IT IS HEREBY STIPULATED AND AGREED**, by and between undersigned counsel, subject to the approval of the Court, that Plaintiffs shall file an omnibus memorandum in opposition to Defendants’ Motions to Dismiss the Complaint totaling up to fifty (50) pages.

DATED: May 23, 2011

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ITS SO ORDERED.

DATED: June 6, 2011

  
IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA